

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

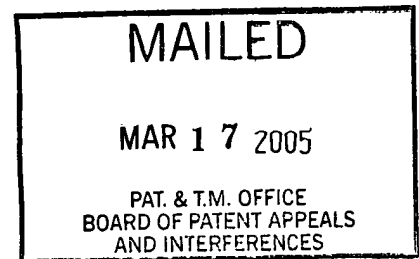
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte OLIVER HECKER and STEFFEN RITZ

Appeal No. 2005-0527
Application No. 09/530,156

ON BRIEF



Before FRANKFORT, MCQUADE, and BAHR, Administrative Patent Judges.
FRANKFORT, Administrative Patent Judge.

REMAND TO THE EXAMINER

This application is remanded to the examiner under the authority provided us by 37 CFR § 41.50(a) and MPEP § 1211 for action in accordance with the following comments.

More particularly, the above identified application is being remanded to the examiner for appropriate action on or consideration of appellants' reply brief apparently filed on May 11, 2004 in response to the examiner's answer mailed March 11, 2004. It

appears from the Image File Wrapper (IFW) that the examiner was unaware of the filing of the reply brief when this application was forwarded to the Board of Patent Appeals and Interferences.

A second issue needing the examiner's attention is the fact that, notwithstanding the examiner's indication on page 3 of the answer that "[t]he copy of appealed claims contained in the Appendix to the brief is correct," we find no copy of claim 10 in Appendix A attached to the brief. Both the examiner and appellants have indicated that claim 10 is pending and on appeal. Thus, a copy of this claim must appear in the Appendix to the brief.

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CEF/lbg

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